IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WP(C).No. 30801 of 2006(P)

PETITIONER:

M/S.AGREEN CO. FIBRE FOAM PVT. LTD.,
VALAPATTANAM, KANNUR, REP. BY MANAGING DIRECTOR,
P.V.RAGHAVAN, S/O.KANNAN NAMBIAR, AGED 42 YEARS,
RESIDING AT VALAPATTANAM, KANNUR.

BY ADV. SRI.V.RAMKUMAR NAMBIAR

RESPONDENTS:

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1. THE ASST. PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUNDS ORGANIZATION,
SUB REGIONAL OFFICE, P.B.NO.117,
FORT BUILDING, V.K.COMPLEX, FORT ROAD,
KANNUR.

2. THE EMPLOYEES PROVIDENT FUND APPELATE
TRIBUNAL, NEW DELHI.

BY ADV. SRI.R.SUDHEER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.30801 of 2006

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Dated this the 22nd day of November, 2006.

JUDGMENT

The W.P. is filed challenging order of the Provident Fund Appellate Tribunal dismissing appeal for default. The petitioner has filed application for setting aside exparte order and for restoring the appeal. The challenge in the appeal is against compensation awarded under Section 14B of the Act for belated payment of contribution. The amount involved is Rs.4,59,360/-. Having regard to the facts stated and the circumstances and the amount involved, I feel petitioner can be granted one more opportunity but on conditions. The petitioner will deposit 25% of the arrears of compensation with interest thereon within three weeks from now and produce the receipt of the same before the Appellate Tribunal along with copy of this judgment. If petitioner makes payment as above and produces receipt along with copy of judgment, then Ext.P4 will stand vacated and the Appellate Tribunal will restore the appeal on file, hear the petitioner and respondents and dispose of the appeal within four months from the date of production of copy of this judgment along with copy of receipt. However, if payment is not made, then first respondent will be free to proceed for recovery of the entire arrears and it is for the Tribunal to take over petitioner's application and decide it based on priorities. Recovery proceedings will be kept in abeyance for three weeks and if

25% is paid, recovery will remain stayed till disposal of appeal by the Tribunal.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms